

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014061022

ORDER GRANTING DISTRICT'S
PARTIAL MOTION TO DISMISS
(SYSTEMIC CLAIMS)

On June 18, 2014, Parent on behalf of Student filed a due process hearing request (complaint) naming Placentia-Yorba Linda Unified School District (District).

On June 30, 2014, District filed a partial motion to dismiss, seeking dismissal of Section VI, subsection (1), of Student's complaint, which alleges that District engaged in "systemic" practices that violated the rights of Student and "others similarly situated." No opposition has been received.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education" (FAPE), and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a FAPE to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of the Office of Administrative Hearings (OAH) is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

DISCUSSION

Student's complaint alleges that although he graduated with a regular high school diploma while eligible for special education, Student continues to exhibit poor social skills

and behavior for which he seeks compensatory education. In addition to alleging that he was denied a FAPE by District, Student alleges in Section VI(1) of his complaint that District engaged in “systemic” practices towards disabled students that violated the IDEA by denying a FAPE to “similarly situated” students, including: a policy that does not provide for individualized transition services, failure to adequately train staff, discipline policies that circumvent the legal protections afforded disabled students, failure to create and maintain programs for high-achieving students with significant behavioral problems, and routine placement of disabled students in excessively restrictive settings. Sections VI(2) and VI(3) of Student’s complaint, which alleged violations of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq. (Section 504)) and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq. (ADA)), have been dismissed as beyond OAH’s jurisdiction in a concurrent order.

At Section VI(1) of his complaint, Student seeks that OAH adjudicate the effect of District conduct on a wide class of disabled students, and order that District “change its policies and practices.” Such claims exceed OAH’s statutory authority under federal law to adjudicate claims of individual children “with respect to any matter relating to the identification, evaluation, or educational placement of *the child*, or the provision of a free appropriate public education to *such child*.” (20 U.S.C. § 1415(b)(6) (emphasis added)), and under California law regarding the “provision of a free appropriate education to *the child*” (Ed. Code, § 56501, subd. (a)(1)-(4) (emphasis added)). Student’s systemic claims on behalf of other students are not only outside of OAH’s jurisdiction, but run contrary to the express purpose of a due process proceeding to focus on the individual child and his or her unique educational needs. In effect, Student’s complaint attempts to create a class action with Student as the lead plaintiff, without any authority for inserting a class claim into a due process proceeding under the IDEA.

Additionally, the purpose of a due process proceeding under the IDEA is to challenge an educational agency’s “refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education to the child.” (Ed. Code, sec. 56501, subd. (a)(2).) At Section VI(1) of his complaint, Student does not seek compensatory education for denial of a FAPE, but relief for alleged wrongs suffered in addition to and separate from his FAPE claim, and oversight of District’s creation and implementation of diverse educational policies. It is within OAH’s jurisdiction to determine whether a school district’s practice resulted in the loss of FAPE for an individual child, but not to broadly re-write school district policy or police its implementation.

For the reasons stated, District’s partial motion to dismiss Section VI(1) of Student’s complaint is granted.

ORDER

1. District's partial motion to dismiss Section VI(1) of Student's complaint, alleging systemic practices on behalf of himself and others similarly situated, is granted.
2. The matter will proceed as scheduled as to the remaining portions of Student's complaint, except as provided in the concurrent order dismissing Student's Section 504 and ADA claims at Sections VI(2) and VI(3).

DATE: July 8, 2014

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings